

ACT 54

H.B. NO. 1016

A Bill for an Act Relating to the Members of the Board of Education.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Unlike appointed members of other state boards, board of education members currently serve without any statutorily conferred immunity from or indemnification for civil liability arising as a result of their official conduct. While board of education members may be compensated at the rate of \$100 a day for attending meetings, they receive no official salary and basically serve, in effect, as volunteers. Board members receive no compensation for preparing for meetings, visiting schools and libraries, attending public hearings, meeting with community groups, parents, teachers and students, or speaking at graduation and dedication ceremonies - all acts essential to fulfilling their official responsibilities. Fairness dictates that they should at least receive the same statutory protection from civil liability as individuals appointed to a state board or commission.

The purpose of this Act is to provide board of education members the same statutorily conferred immunity from and indemnification for civil liability that members of appointed boards and commissions receive pursuant to section 26-35.5, Hawaii Revised Statutes.

SECTION 2. Section 26-35.5, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) For purposes of this section, “member” means any person who is appointed, in accordance with the law, to serve on a temporary or permanent state board, including members of the local school board of any new charter school established under section 302A-1182, council, authority, committee, or commission, established by law or elected to the board of education or the board of trustees of the employees’ retirement system under section 88-24; provided that “member” shall not include any person elected to serve on a board or commission in accordance with chapter 11[-] other than a person elected to serve on the board of education.”

SECTION 3. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 26, 2001.)